

# Showing Current Law as Amended by H.R. 1576, the “Federal Interior Land Media Act” or the “FILM Act”

[new text highlighted in yellow; text to be deleted bracketed and highlighted in blue]

## 54 U.S.C. 100905

### [§100905. Commercial filming

#### (a) Commercial Filming Fee.-

(1) In general.-The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place in the System unit.

(B) The size of the film crew present in the System unit.

(C) The amount and type of equipment present in the System unit.

(2) Other factors.-The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

(b) Recovery of Costs.-The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

#### (c) Still Photography.-

(1) In general.-Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) Exception.-The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.

(d) Protection of Resources.-The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that-

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) the activity poses health or safety risks to the public.

#### (e) Use of Proceeds.-

(1) Fees.-All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) Costs.-All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) Processing of Permit Applications.-The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.]

#### **§ 100905. Filming and still photography in System units**

(a) FILMING AND STILL PHOTOGRAPHY.—

(1) IN GENERAL.—The Secretary shall ensure that a filming or still photography activity or similar project in a System unit (referred to in this section as a “filming or still photography activity”) and the authorizing or permitting of a filming or still photography activity are carried out consistent with—

(A) The laws and policies applicable to the Service; and

(B) An applicable general management plan.

(2) NO PERMITS REQUIRED.—The Secretary shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography activity is not otherwise required by law, for a filming or still photography activity that—

(A)(i) involves fewer than 6 individuals; and

(ii) meets each of the requirements described in paragraph (5); or

(B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the System unit, regardless of—

(i) the number of individuals participating in the allowed or authorized activity or event; or

(ii) whether any individual receives compensation for any products of the filming or still photography activity.

(3) FILMING AND STILL PHOTOGRAPHY AUTHORIZATION FOR DE MINIMIS USE.—

(A) IN GENERAL.—The Secretary shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).

(B) POLICY.—For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary—

(i) may require a de minimis use authorization; and

(ii) shall not require a permit.

(D) ACCESS.—The Secretary shall enable members of the public to apply for and obtain a de minimis use authorization under this paragraph—

(i) through the website of the Service; and

(ii) in person at the field office of the applicable System unit.

(E) ISSUANCES.—The Secretary shall—

(i) establish a procedure—

(I) to automate the approval of an application submitted through the website of the Service under subparagraph (D)(i); and

(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office of the applicable System unit under subparagraph (D)(ii); and

(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application

issue a de minimis use authorization for the filming or still photography activity.

(F) REQUIREMENTS.—The Secretary shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity—

(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;

(ii) meets each of the requirements described in paragraph (5); and

(iii) is consistent with subsection (c).

(G) CONTENTS.—A de minimis use authorization issued under this paragraph shall list the requirements described in subparagraph (F).

(4) REQUIRED PERMITS.—

(A) IN GENERAL.—Except as provided in paragraph (2)(B), the Secretary may require a permit application and, if a permit is issued, assess a reasonable fee, as described in subsection (b)(1), for a filming or still photography activity that—

(i) involves more than 8 individuals; or

(ii) does not meet each of the requirements described in paragraph (5).

(B) WILDERNESS ACT CLARIFICATIONS.—No provision of this subsection is intended to or shall be construed to conflict with the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.).

(5) REQUIREMENTS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.—The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:

(A) A person conducts the filming or still photography activity in a manner that—

(i) does not impede or intrude on the experience of other visitors to the applicable System unit;

(ii) except as otherwise authorized, does not disturb or negatively impact—

(I) a natural or cultural resource; or

(II) an environmental or scenic value; and

(iii) allows for equitable allocation or use of facilities of the applicable System unit.

(B) The person conducts the filming or still photography activity at a location in which the public is allowed.

(C) The person conducting the filming or still photography does not require the exclusive use of a site or area.

(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.

(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.

(F) The person conducting the filming or still photography activity complies with and adheres to visitor use policies, practices, and regulations applicable to the applicable System unit.

(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary with respect to the filming or still photography activity, as determined by the Secretary.

(H) The person conducting the filming or still photography activity complies with other applicable Federal, State, and local laws (including regulations), including laws relating to the use of unmanned aerial equipment.

(6) CONTENT CREATION.—Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation in a System unit shall be considered to be a filming or still photography activity under this subsection.

(7) EFFECT.—

(A) PERMITS REQUESTED THOUGH NOT REQUIRED.—On the request of a person intending to carry out a filming or still photography activity, the Secretary may issue a permit for the filming or still photography activity, even if a permit for the filming or still photography activity is not required under this section.

(B) NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photography activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

(b) FEES AND RECOVERY COSTS.—

(1) FEES.—The reasonable fees referred to in subsection (a)(4) shall meet each of the following criteria:

(A) The reasonable fee shall provide a fair return to the United States.

(B) The reasonable fee shall be based on the following criteria:

(i) The number of days of the filming or still photography activity.

(ii) The size of the film or still photography crew present in the System unit.

(iii) The quantity and type of film or still photography equipment present in the System unit.

(iv) Any other factors that the Secretary determines to be necessary.

(2) RECOVERY OF COSTS.—

(A) IN GENERAL.—The Secretary shall collect from the applicant for the applicable permit any costs incurred by the Secretary related to a filming or still photography activity subject to a permit under subsection (a)(4), including—

(i) the costs of the review or issuance of the permit; and

(ii) related administrative and personnel costs.

(B) EFFECT ON FEES COLLECTED.—All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

(3) Use of proceeds.—

(A) FEES.—All fees collected under this section shall—

(i) be available for expenditure by the Secretary, without further appropriation; and

(ii) remain available until expended.

(B) COSTS.—All costs recovered under paragraph (2)(A) shall—

(i) be available for expenditure by the Secretary, without further appropriation, at the System unit at which the costs are collected;

(ii) remain available until expended.

(c) PROTECTION OF RESOURCES.—The Secretary shall not allow a person to undertake a filming or still photography activity if the Secretary determines that—

(1) there is a likelihood that the person would cause resource damage at the System unit, except as otherwise authorized;

(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the System unit; or

(3) the filming or still photography activity poses a health or safety risk to the public.

(d) PROCESSING OF PERMIT APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

(2) COORDINATION.—If a permit is required under this section for 2 or more Federal agencies or System units, the Secretary and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures, including through the use of identifying a lead agency or lead System unit—

(A) to review the application for the permit;

(B) to issue the permit; and

(C) to collect any required fees.

## 16 U.S.C. 4601-6d (Sec. 1 of Pub. L. No. 106-206)

### **[§4601-6d. Commercial filming**

#### *(a) Commercial filming fee*

##### *(1) In general*

The Secretary of the Interior or the Secretary of Agriculture (hereafter individually referred to as the "Secretary" with respect to land (except land in a System unit as defined in section 100102 of title 54) under their respective jurisdictions) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal land administered by the Secretary. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

(B) The size of the film crew present on Federal land under the Secretary's jurisdiction.

(C) The amount and type of equipment present.

##### *(2) Other factors*

The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

#### *(b) Recovery of costs*

The Secretary shall collect any costs incurred as a result of filming activities or similar project, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

#### *(c) Still photography*

##### *(1) In general*

Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

##### *(2) Exception*

The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

*(d) Protection of resources*

The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

- (1) there is a likelihood of resource damage;
- (2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or
- (3) the activity poses health or safety risks to the public.

*(e) Use of proceeds*

*(1) Fees*

All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

*(2) Costs*

All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

*(f) Processing of permit applications*

The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.]

**SEC. 1. FILMING AND STILL PHOTOGRAPHY.**

**(a) FILMING AND STILL PHOTOGRAPHY.—**

(1) **IN GENERAL.**—The Secretary concerned shall ensure that a filming or still photography activity or similar project at a Federal land management unit (referred to in this section as a “filming or still photography activity”) and the authorizing or permitting of a filming or still photography activity are carried out consistent with—

- (A) the laws and policies applicable to the Secretary concerned; and
- (B) an applicable general management plan.

(2) **NO PERMITS REQUIRED.**—The Secretary concerned shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography activity is not otherwise required by law, for a filming or still photography activity that—

- (A)(i) involves fewer than 6 individuals; and
- (ii) meets each of the requirements described in paragraph (5); or
- (B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the Federal land management unit, regardless or—
  - (i) the number of individuals participating in the allowed or authorized activity or event; or
  - (ii) whether any individual receives compensation for any products of the filming or still photography activity.

(3) **FILMING AND STILL PHOTOGRAPHY AUTHORIZATION FOR DE MINIMIS USE.—**

(A) **IN GENERAL.**—The Secretary concerned shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).

(B) **POLICY.**—For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary concerned—

- (i) may require a de minimis use authorization; and
- (ii) shall not require a permit.

(C) **NO FEE.**—The Secretary concerned shall not charge a fee for a de minimis use authorization under this paragraph.

(D) ACCESS.—The Secretary concerned shall enable members of the public to apply for and obtain a de minimis use authorization under this paragraph—

(i) through the website of the Department of the Interior of the Forest Service, as applicable; and

(ii) in person at the field office for the Federal land management unit.

(E) ISSUANCES.—The Secretary concerned shall—

(i) establish a procedure—

(I) to automate the approval of an application submitted through the website of the Department of the Interior or the Forest Service, as applicable, under subparagraph (D)(i); and

(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office for the Federal land management unit under subparagraph (D)(ii); and

(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.

(F) TERMS.—The Secretary concerned shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity—

(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;

(ii) meets each of the requirements described in paragraph (5); and

(iii) is consistent with subsection (c).

(G) CONTENTS.—A de minimis use authorization issued under this paragraph shall list the requirements described in subparagraph (F).

#### (4) REQUIRED PERMITS.—

(A) IN GENERAL.—Except as provided in paragraph (B)(2), the Secretary concerned may require a permit application and, if a permit is issued, assess a reasonable fee, as described in subsection (b)(1), for a filming or still photography activity that—

(i) involves more than 8 individuals; or

(ii) does not meet each of the requirements described in paragraph (5).

(B) WILDERNESS ACT CLARIFICATION.—No provision of this subsection is intended to or shall be construed to conflict with the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.).

(5) REQUIREMENTS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.—The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:

(A) A person conducts the filming or still photography activity in a manner that—

(i) does not impede or intrude on the experience of other visitors to the Federal land management unit;

(ii) except as otherwise authorized, does not disturb or negatively impact—

(I) a natural or cultural resource; or

(II) an environmental or scenic value; and

(iii) allows for equitable allocation or use of facilities of the Federal land management unit.

(B) The person conducts the filming or still photography activity at a location in which the public is allowed.

(C) The person conducting the filming or still photography activity does not require the exclusive use of a site or area.

(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.

(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.

(F) The person conducting the filming or still photography activity complies with and adheres to visitor use policies, practices, and regulations applicable to the Federal land management unit.

(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary concerned with respect to the filming or still photography activity, as determined by the Secretary concerned.

(H) The person conducting the filming or still photography activity complies with other applicable Federal, State, and local laws (including regulations), including laws relating to the use of unmanned aerial equipment.

(6) CONTENT CREATION.—Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation at a Federal land management unit shall be considered to be a filming or still photography activity under this subsection.

(7) EFFECT.—

(A) PERMITS REQUESTED THOUGH NOT REQUIRED.—On the request of a person intending to carry out a filming or still photography activity, the Secretary concerned may issue a permit for the filming or still photography activity, even if a permit for the filming or still photography activity is not required under this section.

(B) NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photography activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

(C) MONETARY COMPENSATION.—The receipt of monetary compensation by the person engaged in the filming or still photography activity shall not affect the permissibility of the filming or still photography activity.

(b) FEES AND RECOVERY COSTS.—

(1) FEES.—The reasonable fees referred to in subsection (a)(4) shall meet each of the following criteria:

(A) The reasonable fee shall provide a fair return to the United States.

(B) The reasonable fee shall be based on the following criteria:

(i) The number of days of the filming or still photography activity.

(ii) The size of the film or still photography crew present at the Federal land management unit.

(iii) The quantity and type of film or still photography equipment present at the Federal land management unit.

(iv) Any other factors that the Secretary concerned determines to be necessary.

(2) RECOVERY OF COSTS.—

(A) IN GENERAL.—The Secretary concerned shall collect from the applicant for the applicable permit any costs incurred by the Secretary concerned related to a filming or still photography activity subject to a permit under subsection (a)(4), including—

(i) the costs of the review or issuance of the permit; and

(ii) related administrative and personnel costs.

(B) EFFECT ON FEES COLLECTED.—All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

(3) USE OF PROCEEDS.—

(A) FEES.—All fees collected under this section shall—

(i) be available for expenditure by the Secretary concerned, without further appropriation; and

(ii) remain available until expended.

(B) COSTS.—All costs recovered under paragraph (2)(A) shall—

(i) be available for expenditure by the Secretary concerned, without further appropriation, at the Federal land management unit at which the costs are collected; and

(ii) remain available until expended.

(c) PROTECTION OF RESOURCES.—The Secretary concerned shall not allow a person to undertake a filming or still photography activity if the Secretary concerned determines that—

(1) there is a likelihood that the person would cause resource damage at the Federal land management unit, except as otherwise authorized;

(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the Federal land management unit; or

(3) the filming or still photography activity poses a health or safety risk to the public.

(d) PROCESSING OF PERMIT APPLICATIONS.—

(1) IN GENERAL.—The Secretary concerned shall establish a process to ensure that the Secretary concerned responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

(2) COORDINATION.—If a permit is required under this section for 2 or more Federal agencies or Federal land management units, the Secretary concerned and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures, including through the use of identifying a lead agency or lead Federal land management unit—

(A) to review the application for the permit;

(B) to issue the permit; and

(C) to collect any required fees.

(e) DEFINITIONS.—In this section:

(1) FEDERAL LAND MANAGEMENT UNIT.—The term “Federal land management unit” means—

(A) Federal land (other than National Park System land) under the jurisdiction of the Secretary of the Interior; and

(B) National Forest System land.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to land described in paragraph (1)(A); and

(B) the Secretary of Agriculture, with respect to land described in paragraph (1)(B).